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Appendix B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Smith, Douglas

Serial No.: 08/487,032

Filed: June 7, 1995

For: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO HELICOBACTER PYLORI FOR DIAGNOSTICS AND THERAPEUTICS

Augmey Docket No.: GTN-001

Commissioner for Patents

Box AF

Washington, D.C. 20231

Taremission

Group Art Unit: 1645

Examiner: V. Portner

I hereby certify that mis correspondence is being deposited with the Lighted land addressed to: Commissioner for Patents, But AF, Washington, D.C 20231 on the date set torth below

March 4, 2002

Date of Signature and of Mail Deposit

Amy E Mandagourus, Esq.

Reg. No. 36,20 Anomey for Applicant

DECLARATION OF DR. PETER C. DOIG PURSUANT TO 37 C.F.R. §1.132

Dear Sir or Madam:

- I, Peter C. Doig, hereby declare:
- (1) I received my Ph.D. from the University of Toronto in 1990. I am currently a Principal Scientist in the Biochemistry, Infection Discovery Group at AstraZeneca R & D. Boston, MA, where the focus of my research is target based drug discovery efforts in infectious disease. A copy of my curriculum vitae is anached hereto as Exhibit A.

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- (2) I have read the specification of the above-referenced patent application (hereinafter the "032 application") and pending claims, as attached hereto as Appendix B. I have also read and understand the relevant portions of the Final Office Action dated February 1, 2001 (Paper No. 32) relating to the Examiner's rejection of the pending claims under 35 U.S.C. §101 and 35 U.S.C. §112, first paragraph, and understand that the Examiner is taking the position that the pending claims lack utility and enablement.
- (3) The following studies, which were performed under my direction and supervision, confirm the utility of the claimed isolated polypeptides as having the ability to induce an immune response, as set forth in the '032 application.
- (A) Astibodies. Monoclonal antibodies were produced using recombinant histagged Hopf (full length mature sequence—11 C-terminal amino acids) or using an outer membrane preparation derived from H. pylori strain CCUG 17874. Hopf is a 239 antino acid polypeptide which is identical to SEQ ID NO:764 of the '032 application at amino acid residues 24 through 155. Monoclonal antibodies were developed by Immuno-Precise (Victoria B.C., Canada). Polyclonal antibodies were generated in rabbits using Freund's complete adjuvant for the initial priming. Rabbits were given booster immunization in incomplete adjuvant. When antibody titres were sufficient as measured by ELISA (using recombinant Hopf as the antigen) and Western blot, animals were sacrificed and sera collected. All work involving animals was performed according to the "Guide for the Care and Use of Laboratory Animals" published by ILAR (The Institute of Laboratory Animal Resources).
- (B) Peptide synthesis and epitope mapping. Immobilized overlapping peptides based on the sequence of HopE from 199 were synthesized using the kit purchased from Chiron (mimitope). Peptides were synthesized as 10-mers with an 8-amino acid overlap, with the first peptide starting at the glutarnic acid residue of the mature, process protein. ELISA was performed according to the following method. Antigen was fixed to each well by the addition of

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100 ul antigen solution diluted in carbonate buffer pH 9.6. (10 ug antigen/ml buffer) and incubate overnight at 4°C. The plate was then washed with TBS (20mM Tris-HCL, 0.9% NaCl pH 7.5) and free sites blocked by incubating 200 ul of 3% BSA-TBS per well for 1 hour at 37°C. Plates were then washed 3 times with 200 ul of wash solution (0.05% Tween 20 in TBS) per well. To each well, primary antibody was added (100 ul) diluted in 0.5% BSA in wash solution, and incubated for 2 h at 37°C. Plates were then washed 3 times with 200 ul of wash solution per well. To each well, the appropriate secondary antibody (Gost anti rabbit or anti mouse alkaline phospharase or horse radish peroxidese conjugated) diluted in 0.5% BSA in wash solution was added (100 ul), and incubated for 2 h at 37°C. The plate was washed three times with wash solution and 100 ul of substrate was added. For alkaline phosphatase conjugated antibodies, this solution contained 1 mg 4-nitrophenylphosphate/ml in 10 mM diethanolamine pH 9.5- 0.5 mM MgCl₂. The reaction was stopped by the addition of 50 ul/well of 3 M NaOH and plate read at 410 nm. For horse radish peroxidase conjugated antibodies, either 100 ul/ wetl of 0.4 mg OPD/ml in 100 mM citrate buffer, pH 4.5-0 006% H₂O₂ was added, stopped with 50 ul/well of 4M H₂SO₄ and read at 490 nm or 100 ul/ well of 0.5 mg ABTS/ml 7 mM phosphate-5 mM citrate buffer pH 4.6-0.015% H2O2 was added and read at 410 nm.

(C) Epitope identification. Mimitope analysis was able to map the epitopes of all monoclonal antibodies examined. The primary peptides that reacted with either monoclonal or polyclonal sera are shown in Table 1, below. These peptides are present in SEQ ID NO:764 of the '032 application.

Table 1.

Monoclonal antibody	Type	Epitope
IE8	IgG	QVYAPNKIQL
3E3	IgG	SVVGCPPGLT
1C10	IgG1	SVVGCPPGLT
1E10	IgG1	SVVGCPPGLT
1F3	IgG1	SVVGCPFGLT

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Rabbit Polyclonal	EGDGVYIGTN
	DGVYIGTNYQ
Rabbit Polycloual	VYIGTNYQLG
Rabbit Folyclonal	DCTGSVVGCP
Rabbit Polycional	
Rabbit Polycional	TOSVVOCPPO
Rephit Polyclonal	SVVGCPPOLT
Rabbit Polyclonal	VGCPPGLTAN
Rabbit Polyclonal	WGVGSDLLAD
Rabbit Polyclonal	VGSDLLADII
	SDLLADUDK
Rabbit Polyclanal	

(4) In my opinion, the results of the experiments described herein demonstrate that the claimed polypeptides, including those shown in Table 1 above, have the ability to induce an immune response.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Peter C. Doig, Ph.D.

March 1, 2002

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EXHIBIT A

Curriculum Vitae

Peter C. Dois

Current position:

Principal Scientist,

Biochemistry, Infection Discovery

AstraZeneca R & D Boston 35 Gatchouse Dr.,

Waltham, MA 02451 Tel: (781)-839-4534 Fax:((781)-839-4600

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Home Address:

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Acton, MA 01720

(978)-264-0750

Education:

B.Sc., University of Taranto, 1984. M.Sc., University of Toronto, 1986. Ph.D., University of Toronto, 1990.

Positions held:

Position

Duties

Principal scientist Biochemistry AstraZeneca R & D Boston

(1999-present)

Participate in target based drug discovery efforts in infection discovery in biochemistry. Responsible for protein/enzyme characterization, purification, assay development, and various aspects of lead discovery as well as participating on /leading various drug

discovery teams.

Research scientist Biochemistry

Astra Research Center Boston

(1995-1999)

Participate in/lead teams in identification of Target molecules for therapeuric intervention for H. pylori related disease.

Identify and characterize Vaccine candidate antigens

from H. pylari.

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Research Associate, Dept. of Biochemistry and Microbiology University of Victoria (1990-1995) Supervisor: Dr. T. I. Trust

Scientific Consultant (retainer)
Canadian Bio-Concepts
Victoria, B. C. (1994-1995 (Apr.))

Sciennfic Consultant Micrologix International Victoria, B. C. (1993)

Teaching assistant, Microbiology University of Toronto (1984-1989) Identification and characterization of potentially important antigens from the bacterial pathogens Campylobacter, Helicobacter, and Aeromonas.

Consultant on the development of various immunological and biosensor reagents.

Consultant on the development of various immunodiagnostic kits.

Professional Societies:

American Society for Microbiology

Awards and Fellowships:

Natural Sciences and Engineering Research Council of Canada Post-Doctoral Fellowship (1990, 1991)

Ontario Graduate Fellowship (1989)

Natural Sciences and Engineering Research Council of Canada Postgraduate Fellowship (1986-1988)

University of Toronto Open Scholarship (1984, 1985)

Theses:

M.Sc. Characterization of the binding of *Pseudomonas aeruginosa* alginate to human buccal epithelial cells: structural diversity among alginates.

Ph.D. Characterization of the pilus of Pseudomonas veruginosa: demonstration of an epithelial cell binding domain within the pilin.

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Theses supervisor: R. T. Irvin

Publications:

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 equilibrium parameters of adhesion in predicting outcome of competition for bacterial
 receptor sites on respiratory epithelial cells by Pseudomonus aeruginosu strains of
 heterologous pilus type. Microbial Ecology Health Dis. 3:39-47.
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- Doig, P., L. Emödy, and T. J. Trust. 1992. Binding of laminin and fibronectin by the major trypsin-resistant structural domain of the crystalline virulence surface array protein of Aeromonas salmonicida. J. Biol Chem. 267:43-49.
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 of nonmucoid Pseudomonas aeruginasa with normal human intestinal mucin and
 respiratory mucin from patients with cystic fibrosis. J. Clin. Invest. 89:657-665.
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Book Chapters:

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Abstracts:

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 Aggregative fimbriae of Salmonella enteritidis. Canadian Society of Microbiologists

 22nd Annual Western Branch Meeting. Vancouver, B. C.
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- Collinson, S. K., L. Emödy, P. Dolg, K-H. Muller, T. J. Trust, and W. W. Kay. 1992. Binding of tissue matrix proteins to the aggregative fimbrine of Salmonellu enteritidis. Annual Meeting of the American Society for Microbiology, New Orleans.
- Doig. P. and T. J. Trust. 1994. Identification of outer membrane surface antigens of Helicobacter pylori. Annual Meeting of the Canadian Society of Microbiologists, Vancouver, B. C.
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- Doig, P., J. Cooney, R. Vao, D. Burr, P. Geurry, and T. J. Trust. 1995. Production of pili by Camphobacter spp. 8th International Workshop on Camphobacters, Helicobacters and Related Organisms, Winchester, England.
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- Ge, Z., P. Doig, T. J. Trust, and J. G. Fox. 1999. Characterization of the outer membranes of two murine pathogens, Heticobacter bilis and Helicobacter hepanicus. Accepted for presentation at the Annual Meeting of the American Gastroenterological Association. Orlando, FL.

Patents:

- Title:Synthetic Pseudomonas aeruginosa pilin peptide vaccine and method of use.
 US patent 5445818, 1995
 Inventors:Hodges; R. S. Paranchych; W., Lee; K. K., Parimi; S. A.,
 Irvin; R. T., Doig; P. C.
- Title: Pseudomonas peptide composition and method.

 US patent 5494672, 1996
 Inventors: Hodges; R. S., Paranchych; W., Lee; K. K., Parimi; S. A.,
 Irvin; R. T., Doig; P. C., Zoutman, D. E., Wong, W. Y.
- <u>Tirle</u>:Symbetic Pseudomonas aeruginosa pilin popride vaccine.

 US patent 5612036, 1997
 Inventors:Hodges; R. S., Paranchych; W., Lee; K. K., Parimi; S. A.,

6177424214

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Irvin; R. T., Doig; P. C.

<u>Title</u>: Nucleic acid and amino acid sequences relating to Helicobacter pylori and vaccine compositions thereof.

International application number: PCT/US97/22104

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APPENDIX B

- 123. An isolated polypeptide of any one of claims 202-203 which is a recombinant polypeptide.
- 132. A fusion protein comprising a polypepride of any one of claims 202-203 and an additional amino acid sequence.
- 133. A fusion protein of claim 132, wherein the additional amino acid sequence comprises an H. pylora polypeptide.
- 149. A composition comprising a polypepride of any one of claims 202-203 and a pharmaceutically acceptable carrier.
- 202. An isolated polypeptide comprising at least 10 consecutive amino acid residues of SEQ ID NO: 764, wherein said polypeptide comprises at least one epitope recognized by a T celt receptor specific for the polypeptide set forth in SEQ ID NO:764.
- 203. An isolated polypeptide comprising at least 10 consecutive amino acid residues of SEQ ID NO: 764, wherein said polypeptide comprises at least one antigenic determinant of the polypeptide set forth in SEQ ID NO:764.
- 212. A composition comprising a fusion protein of claim 132 and a pharmaceutically acceptable carrier.
- 220. An isolated polypeptide of any one of claims 202-203 comprising at least about 12 consecutive amino acid residues of SEQ ID NO: 764.
- 221. An isolated polypeptide of any one of claims 202-203 comprising at least about 16 consecutive amino acid residues of SEQ ID NO: 764.

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- 222. An isolated polypeptide of any one of claims 202-203 comprising at least about 20 consecutive amino acid residues of SEQ ID NO: 764.
- 223. An isolated polypeptide of any one of claims 202-203 comprising at least about 50 consecutive ammo acid residues of SEQ ID NO: 764.
- 224. An isolated polypeptide of any one of claims 202-203 comprising at least about 100 consecutive amino acid residues of SEQ ID NO: 764.